

# ANNUAL REPORT FISCAL YEAR 2020

JULY 30, 2020

Report to Governor JB Pritzker, the Honorable  
Members of the General Assembly, and the People  
of the State of Illinois



ILLINOIS BUREAU OF  
ADMINISTRATIVE HEARINGS  
CENTRAL MANAGEMENT SERVICES

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## WELCOME AND REPORT HIGHLIGHTS

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► **THE BUREAU IS PLEASED TO SUBMIT THIS ANNUAL REPORT TO GOVERNOR JB PRITZKER, HONORABLE MEMBERS OF THE GENERAL ASSEMBLY, AND TO THE PEOPLE OF ILLINOIS, PURSUANT TO EXECUTIVE ORDER 04 (2017) ◀**

The Bureau of Administrative Hearings (“Bureau”), a subdivision of the Department of Central Management Services (“CMS”), provides centralized coordination and support for administrative hearings functions across the State. The Bureau offers high quality, independent administrative hearings for agencies that do not employ their own administrative law judges, providing an impartial forum where Illinoisans receive fair, prompt, and cost-effective resolution of disputes. Implementing Executive Order 04 (2017), the Bureau facilitates professional development for adjudicators, coordinates technology solutions for hearings, promotes uniform hearings rules, coordinates inter-agency work-share initiatives, and works collaboratively with stakeholders to improve the administration of justice in Illinois.

This Report to Governor JB Pritzker, Honorable Members of the General Assembly, and the people of Illinois reflects on the Bureau’s work in Fiscal Year 2020, as well as its goals for Fiscal Year 2021.

Fiscal Year 2020 presented catastrophic, unimaginable events impacting all of humanity. First, a global health pandemic that claimed the lives of thousands and still continues to threaten Illinoisans. Then as a nation, we witnessed the tragic death of George Floyd, as well as other African Americans, including Breonna Taylor and Ahmaud Arbery, highlighting centuries of systemic racism in our country. From these seemingly insurmountable tragedies, however, blossomed new partnerships and opportunities to collaborate to improve administrative justice in our State.

As adjudicators, we have a duty to ensure all litigants are heard and treated fairly in accordance with well-established principles of due process. The Bureau supports Governor JB Pritzker’s pledge to “dismantle the architecture of inequality” and, in addition to its regular trainings to combat implicit bias, has partnered with experts in human rights to construct and disseminate a comprehensive debiasing strategy toolkit.

The Bureau’s work this past year to lay the groundwork for technology innovations benefitted operations in a major way. Transitioning to remote work during the pandemic did not slow our momentum toward ushering 21<sup>st</sup> century technology. To the contrary, it accelerated our use of technological solutions to meet hearings needs virtually and inspired expedient electronic filing solutions. The Bureau continues to document its lessons learned in conducting hearing virtually, as well as the practical experiences of our colleagues as obtained through survey, and will release a compilation to ensure Statewide consistency.

The Bureau strives to raise the bar with each passing year. We welcome all to be a part of this journey as meaningful reform happens when we work together.

**WARM REGARDS,  
THE ILLINOIS BUREAU OF ADMINISTRATIVE HEARINGS**



## MISSION, VISION, CORE VALUES

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► **STRONG VISION AND A SET OF IMMUTABLE CORE VALUES GUIDE THE BUREAU IN PURSUIT OF ITS MISSION** ◀

### MISSION

To uphold the independence and integrity of the administrative judiciary by promptly resolving administrative disputes involving executive agencies and the general public through accessible, fair, and efficient processes, and issuing sound decisions.

### VISION

To offer the people of Illinois a convenient, simple-to-navigate forum to have their contested case matters heard and decided fairly. To work collaboratively with executive branch agencies, community partners and the public to increase access to administrative justice, reduce confusing and contrary regulatory processes, and inspire the utmost confidence in the adjudicatory process.

### CORE VALUES

- Integrity
- Respect
- Impartiality
- Fairness
- Innovation
- Efficiency
- Communication
- Inclusivity





## CENTRAL PANEL ADJUDICATION

► **THE CENTRAL PANEL MODEL INCREASES PUBLIC TRUST IN AN IMPARTIAL ADMINISTRATIVE JUDICIARY, OFFERS LITIGANTS CONSISTENCY AND CLARITY, AND PRESENTS GREATER OPPORTUNITY FOR EFFICIENCY** ◀



### ADMINISTRATIVE HEARINGS

An administrative hearing is a legal proceeding, held before an impartial factfinder, to review a government agency's action. Each party to the hearing has a right to testify, present and question witnesses, and submit or challenge documents regarding the decision. The neutral factfinder, called an administrative law judge (ALJ), makes findings of fact and conclusions of law and issues a decision which affirms, modifies or sets aside the government agency's action. An individual is more likely to encounter legal process as conducted in an administrative hearing than in a traditional court. Administrative hearings units work much like the courts that handle civil cases but have relaxed rules of procedure regulating how a case moves forward and is heard. This makes it easier for individuals, often not represented by attorneys, to present their case. Administrative courts are less costly for litigants and agencies and, when operating well, ensure all litigants have a fair and accessible process in which disputes can be resolved.



### CENTRAL PANEL MODEL OF ADMINISTRATIVE ADJUDICATION

As an added measure of procedural fairness, jurisdictions across the nation have for decades experimented with what is known as a "central hearings panel" in which ALJs are employed by the panel, not by the agency whose decision they are reviewing. This model of adjudication seeks to enhance fairness and increase public trust in decisions rendered. As one author noted in the *Journal of the National Association of Administrative Law Judges*:

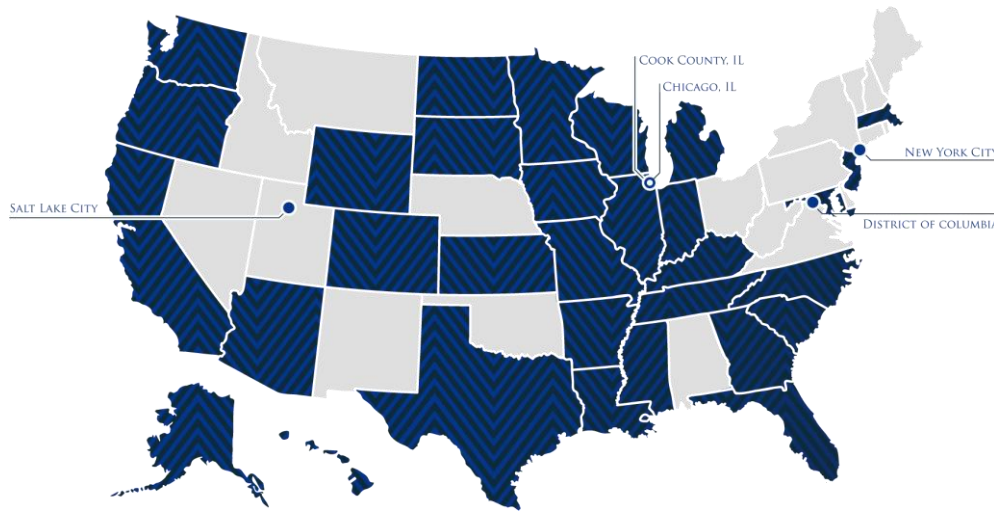
**“However carefully an agency erects a ‘wall’ between its regulatory staff and administrative law judges, citizens do not know that. If they do know it, they do not believe it. What citizens know is this: they are fighting the agency, and they want a fair hearing. When they enter the hearing room and learn that the judge presiding over the case is an employee of their adversary, no explanation will persuade them, especially if they lose, that the outcome was not predetermined.”**

John Hardwicke and Thomas E. Ewing, *The Central Panel: A Response to Critics*, 24 J. Nat'l Ass'n Admin. L. Judges. (2004) available at <http://digitalcommons.pepperdine.edu/naalj/vol24/iss2/3>

In addition to increasing public confidence in the administrative judiciary, decades of published research reveal that central panels garner efficiency and increased productivity owing to economies of scale and flexibility in assignments. Agencies that are devoted to the single task of hearing cases are better focused on the needs of performing that function, rather than balancing an agency’s many other functions. Central panels capture positive results from not only the economies of scale when dealing with a high volume of hearings but also the flexibility to assign ALJs in a way they could not in smaller organizations. Because of the shared resources and available cross-training, the central panel is more easily able to meet hearings needs at any given time.

As shown on the map below, more than half of U.S. states, and several large municipalities, employ a central panel model of adjudication. California is the oldest central panel state with roots dating to 1945, while Indiana is the latest to enact central panel legislation in 2019. While central panels vary in their size, manner of creation, and types of hearings held, litigant surveys confirm that central panels increase confidence in the fairness of the proceedings. The former Director of Louisiana’s Division of Administrative Law, Ann Wise, in an article written for the Louisiana Law Review in 2008, reflected on a conversation she had with a private citizen who appeared before Louisiana’s central panel. The self-represented litigant recognized the purpose and success of that central panel: “I lost my case, but I got a fair hearing before a fair judge, and I can’t ask for anything more than that.”

### **JURISDICTIONS HAVING ADOPTED A CENTRAL PANEL MODEL OF ADJUDICATION**



The Chicago Appleseed Fund for Justice, a non-profit advocacy hub focused on making the court system more fair, accessible, and effective, has been monitoring and reporting on central panel practices since the 1980s. Both the Chicago Appleseed Fund for Justice and professionals working in and around central panels report an increased job satisfaction and greater judicial independence for ALJs. When ALJs are separated from the program agency, hearings unit comprise professional judges instead of agency insiders. The central panels, dedicated to the sole function of hearing cases, provide more meaningful and on-point



training, craft hearing-specific technology solutions to make the job of adjudicators and support staff easier, and better track data to ensure a fairer division of work and better services to the public.

Evidence of the satisfaction participating agencies derive from central panels is the national trend for voluntary use of central panel ALJs. While central panels often have statutorily defined jurisdiction, many report an increasing number of agencies voluntarily seek central panel ALJs to hear their cases. One fact speaks volumes about the successes of administrative hearing units following the central panel approach. **Where a central panel has been created, no state has sought to deconsolidate the panel and return all administrative hearings units to the individual agencies.**



## ILLINOIS CENTRAL PANEL AUTHORIZATION

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Illinois has centralized certain hearings functions through the work of the Bureau. Executive Order 06 (2016) first launched a pilot to gather qualitative and quantitative data regarding the State's administrative hearings, compile best practices and make recommendations for reform. The pilot identified several critical tasks to improve administrative justice, including the adoption of uniform procedural rules, a code of conduct specific to the work of ALJs, centralized training and professional development opportunities for ALJs, and modern e-filing and case management technology. Upon expiration of the pilot in 2017, the Bureau was permanently established and housed within CMS through Executive Order 04 (2017), with instructions to continue its collaboration with an expanded number of State agencies in furtherance of reform. Extensive historical information is available through published reports on the Bureau's website.

In 2017, the Bureau centralized hearings functions for agencies whose caseloads do not justify employing their own ALJs. This move allowed agencies to eliminate costs of contracting with private attorneys to serve as ALJs, ensuring cases are heard by an independent, experienced adjudicator at lower taxpayer cost.

The Bureau's adjudication services range from simple administrative appeals to conducting multi-day or multiweek trial-like evidentiary hearings in complex matters. Some cases are narrow, single-issue disputes; others are wide-ranging, and involve complicated legal and factual disputes. ALJs sometimes present recommendations for decision and other times issue the final decision, depending on the authority issued. Most proceedings are governed by the Illinois Administrative Procedure Act (5 ILCS 100/10/ *et seq.*) and the relevant statutes and rules of the agency for which the Bureau is conducting a hearing. All Bureau proceedings are conducted by qualified ALJs who are Illinois-licensed attorneys.

Unlike most states that have statutorily enacted central panels with mandatory jurisdiction, the Bureau is authorized to enter into inter-agency agreements to serve customer agency hearings needs. This poses some challenge for the Bureau in imposing consistent procedural standards governing hearings before it as agency procedural rules may vary drastically. The Bureau looks forward to working collaboratively with all stakeholders to remove any unnecessary or inconsistent procedural barriers for litigants.

The Bureau regularly participates in communications with directors and chief ALJs from the nation's 30+ central panels, to share experiences, best practices, and challenges. Development of these relationships has allowed the Bureau to benefit from the operational advice of longstanding central panels in sister state jurisdictions as it develops programs and initiatives for implementation in Illinois.



## AMERICAN BAR ASSOCIATION RESOLUTION 100A

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The central panel model of adjudication is often endorsed by legal practitioners and other court reform advocates as essential to procedural fairness. In August 2019, the American Bar Association unanimously adopted Resolution 100A, as proposed by the National Conference of the Administrative Law Judiciary, encouraging state, local and territorial jurisdictions to consider use of a central panel system for state administrative law adjudications. The resolution cited extensively to a February 2019 report entitled *The Need for a Central Panel Approach to Administrative Adjudication: Pros, Cons, and Selected Practices*, authored by Malcolm Rich, Executive Director of the Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers, as well as Alison Goldstein, with pro bono assistance from Goldberg Kohn.

Resolution 100A also encourages state legislatures to implement several key recommendations to increase central panel fairness and efficiency, including provision of more training for adjudicating cases involving self-represented litigants, and addressing implicit bias in decision-making. The Bureau is delighted to report that educational efforts in each of these areas have been a cornerstone of its work since its inception as a pilot program in 2016. The resolution further urges state legislatures to create an advisory council to review, analyze and advise on current and proposed central panel practices. In collaboration with the Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers, the Bureau has already begun work to charter a central panel advisory committee in Illinois. These efforts are further detailed under the Access to Justice section of this Report.





## FISCAL YEAR 2020 OPERATIONS UPDATES

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► **IN ITS THIRD YEAR OF OPERATIONS, THE BUREAU HAS RELOCATED ITS MAIN OFFICE, EXPANDED ITS VIRTUAL HEARINGS PRACTICE, AND BROADENED THE SUBJECT MATTER OF CASES IT HEARS** ◀



### NEW MAIN OFFICE LOCATION

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An intra-building move to a larger and more separate office suite this past winter has given the Bureau a dedicated space to grow. The suite offers a central filing room for storage and archival of case files, and a large adjoining videoconference room from which to hold hearings. With a reception desk and small waiting area upon entry, this space is more conducive to operating a hearings unit. CMS' Bureau of Property Management team listened intently to the Bureau's space needs and delivered a ready solution that did not involve any construction expenditures and was just a short move to the opposite end of the hall. Additional signage makes the space more accessible to the litigants and the public.



### PERSONNEL

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The Bureau has two full-time ALJs, and the unit is overseen by a Deputy Director who also carries a caseload. The Bureau's ALJs have specialized training in conducting administrative hearings. Currently, ALJs manage all aspects of their case dockets, including administrative tasks like scheduling, generating routine notices, certified mailing, filing documents, and responding to general inquiries. In Fiscal Year 2020, the Bureau established a job classification for a much-needed administrative support position to be posted for hire during summer 2020. Filling this vital position will go a long way in helping the Bureau to increase its customer service and meet timeframes for case disposition. More importantly, it will allow ALJs to focus solely on the adjudicative portion of their work, increasing time available to hear cases and issue quality written decisions.



### COVID-19 IMPACT AND REMOTE WORK

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When the global coronavirus pandemic struck and Governor JB Pritzker issued disaster proclamations encouraging government operations to take place remotely, the Bureau's dedicated ALJs did not skip a beat. They quickly adjusted to making a secure connection to the State's network drives through Citrix remote application, supported by the State's Department of Innovation and Technology. Holding virtual hearings from their homes utilizing Cisco WebEx platform allowed previously scheduled in-person cases to move toward resolution without delay for parties ready to proceed. During a time of great uncertainty,

the Bureau’s ALJs demonstrated their resiliency, and are now involved in a project to compile Statewide best practices for virtual hearings as detailed within the Modern Technology section of this Report.



### ELECTRONIC CASE MANAGEMENT

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During Fiscal Year 2020, the Bureau negotiated a Statement of Work with a software vendor well-versed in providing electronic case management solutions to central hearings panels. The selected solution is expected to greatly reduce processing time; eliminate costly and cumbersome paper-based processes; improve tracking, reporting, and transmission of cases; transform litigants; access to information about their cases and make it easier for litigants of all means to assert their rights before State agencies. Features are further described in the Modern Technology section of this Report.



### EXPANDED CASE TYPES

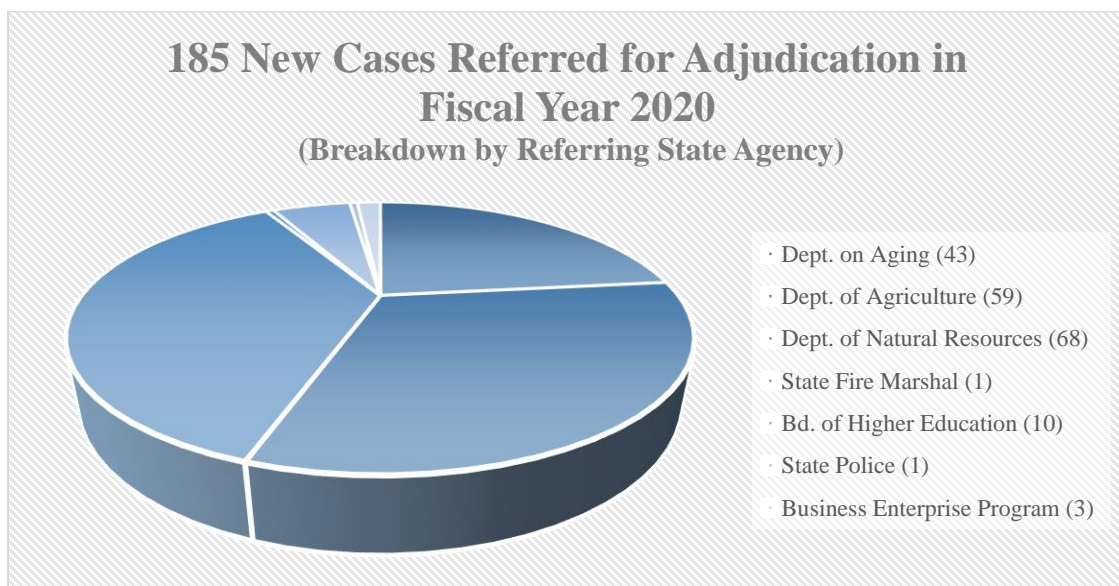
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Over the past three years, the Bureau has experienced a steady increase in its delegation of authority to hear case types, both adding new customer agencies, as well as broadening subject matter from existing customer agencies. In Fiscal Year 2020, the Bureau worked with staff from CMS’ Business Enterprise Program to devise and implement an impartial factfinding procedure to assist the Business Enterprise Program Council in resolving alleged violations of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act (30 ILCS 575/1 *et. seq.*).



### FISCAL YEAR 2020 NEW CASE REFERRALS

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## **CREATION OF A RESERVE POOL OF ALJS**

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Flexibility of assignment to a pool of highly trained ALJs is a hallmark of central panel efficiency. As the Bureau has only two full-time administrative law judges, unanticipated spikes in new case referrals or expedited hearings requests can present operational challenges to meeting desired disposition timeframes.

Partnering with the Legal Services Division of CMS, the Bureau has developed a pilot plan to cross-train a voluntary reserve pool of talented experienced CMS attorneys as ALJs. This will ensure the Bureau can responsibly meet the needs of litigants and customer agencies, without any added cost. Moreover, CMS attorneys will gain additional professional development opportunities.

This opportunity presents as one of the major benefits of being part of a larger department of state administration like CMS, an experienced provider of services to Illinois agencies.



## **FOCUSED REFORM EFFORTS ON KEY THEMES**

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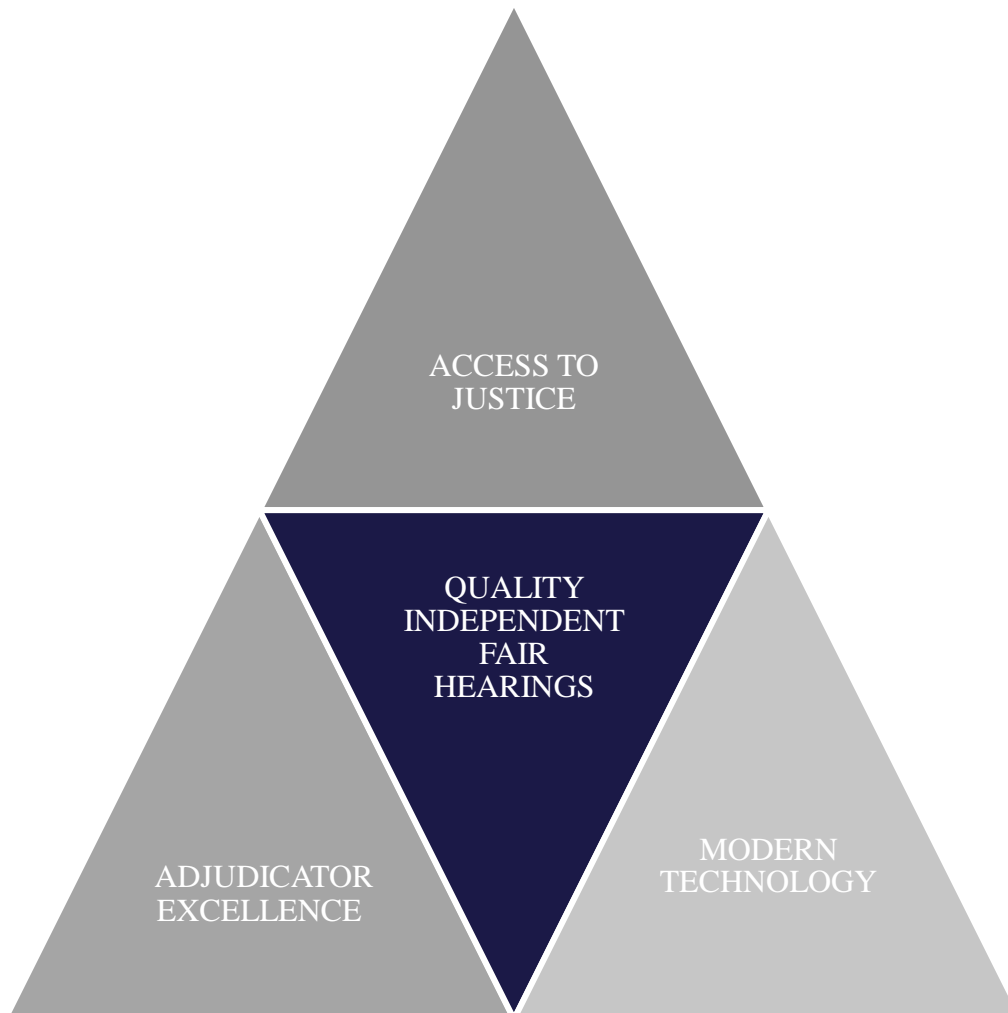
In addition to the Bureau's day-to-day operations conducting fair hearings and issuing well-reasoned decisions, it remains committed to broad themes essential to the provision of quality, independent, fair hearings – access to justice, adjudicator excellence, and innovations in modern technology. Select Fiscal Year 2020 achievements in furtherance of these themes are highlighted below, as well as what the Bureau looks forward to celebrating in Fiscal Year 2021.



## HEARINGS REFORM EFFORTS

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► INTEGRAL TO QUALITY, INDEPENDENT, FAIR HEARINGS ARE ACCESS TO JUSTICE, ADJUDICATOR EXCELLENCE, AND MODERN TECHNOLOGY INNOVATIONS, COUPLED WITH AN UNWAVERING COMMITMENT TO CONTINUOUS IMPROVEMENT ◀





## ACCESS TO JUSTICE

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► ADMINISTRATIVE ADJUDICATION IS THE FACE OF PERSONAL JUSTICE FOR THOUSANDS OF ILLINOISANS, AND HIGHLY DESERVING OF OUR ATTENTION TO ENSURE FAIRNESS AND EFFECTIVENESS FOR ALL ◀

### HIGHLIGHTS OF FISCAL YEAR 2020:



## COLLABORATION TO END BACKLOG OF HUMAN RIGHTS CASES

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Justice delayed is justice denied. The once four-year delays resulting from a longstanding backlog of cases at the Illinois Human Rights Commission (“Commission”) was a challenge ripe for inter-agency collaboration. Executive Order 08 (2018) called for a multi-agency effort to eliminate within 18 months the backlog of cases pending before the Commission. Highlighting the Bureau’s successes coordinating between State agencies to identify economies of scale, model best practices, and develop thoughtful approaches to all aspects of administrative hearings work, the Executive Order tasked the Bureau with coordinating inter-agency efforts and monitoring and reporting on backlog reduction.

The Bureau is pleased to report that in just 14 months, not only did the Commission clear its 2,500+ case backlog, it has undergone a complete transformation, and become a leader in the protection and enforcement of civil rights. Moreover, the Commission instituted new procedures and necessary structure to prevent backlog from recurring. The Bureau has issued several detailed reports on the comprehensive plan, project results and lessons learned, available for viewing at its website. The Bureau’s third progress report detailing inter-agency efforts and further legislative recommendations will be issued by December 31, 2020, in accordance with the Executive Order.



## COMBATTING IMPLICIT BIAS

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Every individual holds deep-seated biases of which they are often completely unaware. These hidden attitudes — known as implicit or unconscious bias — influence the way we act toward one another. Even those with the best intentions can be influenced by these implicit biases, behaving in ways that can create disparities in decision-making. The Bureau has recognized this challenge since its inception and has drawn talented experts on the topic to educate Illinois’ ALJs on the employ of proven debiasing strategies. Emphasis is always placed on a well-reasoned legal analysis based in fact and law supporting all decisions.

In Fiscal Year 2020, the Bureau partnered with experts in anti-discrimination law at the Commission to create a comprehensive toolkit that will enforce debiasing strategies, improve employee and litigant engagement, and ensure fair and consistent decisions.



## **PLAIN LANGUAGE INITIATIVE**

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The Bureau seeks to create a culture of clear communication, through awareness and training, making it easier for the public to find and use information they need, thereby increasing access to justice. A State agency's delivery of information must meet a wide range of needs, including those with barriers to literacy and other challenges that may interfere with meaningful participation in hearings. Per the Illinois Supreme Court: "The use of plain language increases and aids the public to understand their rights and choices so they may make informed decisions and fully participate in our legal system." To this end, all agencies must effectively organize delivery of content to make it easier to follow and identify alternatives to legal jargon.

The Bureau has, in conjunction with Cook County Department of Administrative Hearings and City of Chicago Department of Administrative Hearings, participated in planning sessions with community partner Literacy Works to discuss how State and local government hearings information and orders can be written to be more accessible. Literacy Works has assisted many governmental entities with notable projects, including clarifying procedures used in drug court and redesigning Chicago's provisional voter ballots. Working with both the County and City will ensure that terms common to administrative hearings are explained in a similar way, making it easier for Illinoisans to navigate a similar process in all jurisdictions.

To gather data regarding most desired training topics, the working group has developed two electronic survey instruments. The first will solicit feedback from litigants, attorney representatives, and legal aid organizations about their experiences. The second will solicit feedback directly from ALJs surrounding the obstacles they face in preparing litigants for hearing. Identifying common challenges Illinoisans face in receiving technical information will assist the Bureau in adapting information from its website and hearings orders. Training and improvement efforts will focus on the pain points identified by users.



## **WEBSITE REVAMP**

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Complementary to the Plain Language Initiative, the Bureau spent considerable time in Fiscal Year 2020 researching various court websites and redesigning its current website to shift its focus from hearings reform to a more litigant-centered and user-friendly site with helpful information on how to prepare for and participate in hearings. As the Bureau completes implementation of an e-filing module in Fiscal Year 2021, the login will be directly linked from its website, providing litigants a one stop-shop to learn about their rights and obligations in an administrative hearing.



## **ADVISORY COUNCIL CHARTER**

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External customers can help the Bureau identify what expectations customers want addressed, where existing systems should be made more accessible to the public, and where procedural rules can and should

be made more user-friendly. Just as external customers can provide valuable insight into existing issues with the hearings process, employees and agency leadership too will provide much needed perspective into proposed solutions. The establishment of a more formal advisory council offers opportunity for ongoing and robust feedback. At least three jurisdictions that employ a central panel model of adjudication have formal advisory councils that advise on matters relating to administrative hearings, the administrative process, and policies and regulations proposed by the central panel.

Partnering with the Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers, the Bureau has helped to develop an advisory council charter, with goals and ideas for a panel of stakeholders to further access to justice initiatives. By partnering with community stakeholders and conducting open meetings, the State ensures oversight and enhanced legitimacy of its reform efforts. Council participants will help the Bureau identify ways in which to make administrative hearings as fair, effective, and efficient as possible. Goals for the Council align closely with the charge of the Bureau as set forth in Executive Order 04 (2017), including facilitating centralized training, ensuring consistent use of uniform hearing rules, to make the process as litigant-friendly as possible, and implementation of state of the art technology and data collection and analysis. The Bureau looks forward to presenting a formal proposal in Fiscal Year 2021.

**WE LOOK FORWARD TO CELEBRATING IN FISCAL YEAR 2021:**

- ▶ **DISSEMINATION OF PLAIN LANGUAGE TOOLKIT TO ALL STATE AGENCIES**
- ▶ **LAUNCHING THE BUREAU'S NEWLY REVAMPED WEBSITE**
- ▶ **CONTINUING TO EMPHASIZE EFFECTIVE DEBIASING STRATEGIES FOR ADJUDICATORS, AND LAUNCHING A TOOLKIT CREATED IN PARTNERSHIP WITH HUMAN RIGHTS EXPERTS AT THE COMMISSION**
- ▶ **CONVENING THE FIRST ILLINOIS ADVISORY COUNCIL MEETING**





## ADJUDICATOR EXCELLENCE

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► DEMANDING THE HIGHEST ETHICAL STANDARD AND CONTINUOUSLY HONING SKILLS THROUGH CONTINUED EDUCATION AND PEER COACHING ◀

### HIGHLIGHTS OF FISCAL YEAR 2020:



#### IN-HOUSE SOLUTION FOR ON-DEMAND TRAINING

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Empowering practitioners with the latest knowledge and best practices is one way to ensure fair and efficient administration of justice in our State. A survey conducted during the Bureau's early pilot period revealed that nearly half of respondents reported receiving no ongoing training specific to their role as an adjudicator, and no formal judicial training before beginning to hear cases. The Bureau was well poised to fill that void and began organizing meaningful professional development opportunities for ALJs.

Since 2017, the Bureau has sponsored or facilitated more than 3,500 person-hours of adjudicator-focused education at no charge to participants or the agencies that employ them. Attendees from more than thirty State agencies, boards, and commissions have gleaned practice tips from esteemed speakers who have generously volunteered their time and expertise. From shorter lunch and learn sessions to its full day annual conference, the Bureau offers a host of interactive opportunities for ALJs to fulfill their professional development goals, earn credit for attorney licensure, and seek inspiration for the important work they do. The Bureau is thrilled to have featured as a keynote speaker this past year our Lieutenant Governor, Juliana Stratton, who left us with a powerful reminder: **“We must all recognize the power of creating space for people to be heard.”**

In Fiscal Year 2020, the Bureau sought to make its professional development curriculum even more convenient and accessible for ALJs. While real-time participation is encouraged, agency operational demands and full hearings dockets do not always allow ALJs to participate live. Working with the State's Department of Innovation and Technology, the Bureau has identified an in-house solution to make its library of recorded trainings available to all State of Illinois employees on-demand. The State's OneNet training application will also allow the Bureau to track participant attendance and automate the issuance of certificates of attendance, greatly reducing the administrative demand on Bureau staff. The availability of pre-recorded on-demand training can minimize time away from work and allow ALJs to receive training when they need it at a convenient time. As the Bureau's live training events have always been, on-demand programming will be extended to any government attorney.



### **NATIONAL JUDICIAL COLLEGE FAIR HEARINGS COURSE**

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On full-tuition scholarship, the Bureau sent two of its ALJs to the National Judicial College, located at the University of Nevada-Reno, to complete a comprehensive two-week Fair Hearings course, designed to provide tools and techniques to maintain a fair hearing and issue quality written decisions. State and federal ALJs, appellate judges, law professors, and communications and writing experts led a series of lectures, panel discussions, and participant mock hearings with helpful personal critique to hone adjudicator skills. This intensive course is eligible for credit toward a master's degree in Judicial Studies. In addition to the valuable educational lessons learned, the Bureau has now gained an expanded network of colleagues.



### **NEW HEARING OFFICER EDUCATION**

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This past year, the Bureau was invited to present at a training event for new municipal hearing officers. Sponsored by the Illinois Local Government Lawyers Association and the Cook County Department of Administrative Hearings, this training is statutorily mandated and equips new hearing officers with tools needed to adjudicate municipal code violations. The Bureau prepared and presented material on constitutional foundations of administrative hearings, history of due process, and admission of evidence.



### **US MARSHAL COURTROOM SAFETY AND SECURITY**

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In partnership with Cook County Department of Administrative Hearings, the Bureau hosted the US Marshal for a special two-hour session on hearing room safety and security. Unlike circuit court judges, ALJs do not always have same physical safeguards present in a courthouse building. Hearing rooms are often multi-purpose conference rooms, not necessarily configured for a legal proceeding. ALJs learned valuable tips on how to ensure their own safety, the safety of litigants and hearings participants, and how to deescalate potentially harmful behavior in the hearing room.

## **WE LOOK FORWARD TO CELEBRATING IN FISCAL YEAR 2021:**

► **CONTINUING THE TRADITION OF HOSTING AN ILLINOIS ADMINISTRATIVE LAW CONFERENCE, VIRTUALLY THIS FALL**

► **FILLING A LIBRARY OF TRAINING MATERIALS FOR RELEASE TO ATTORNEYS STATEWIDE VIA ONENET APPLICATION**

► **SERVING AS A RESOURCE TO OTHER AGENCIES SEEKING TO IMPLEMENT A SPECIFIC CODE OF CONDUCT TAILORED TO THE UNIQUE ROLE OF ALJ**



## MODERN TECHNOLOGY

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► **IMPLEMENTING MODERN TECHNOLOGY TO MEET THE NEEDS OF CUSTOMERS, AND FURTHER OPERATIONAL EFFICIENCY** ◀

### HIGHLIGHTS OF FISCAL YEAR 2020:



#### BEST PRACTICES GUIDANCE FOR VIRTUAL HEARINGS

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With emergency orders to stay home and limit in-person gatherings during the global coronavirus pandemic, agency hearings units have had to find innovative ways of providing access to justice while keeping participants safe. While some agencies temporarily postponed cases pending prior to the emergency order, the Bureau has been able to hold nearly all pending cases virtually through Cisco WebEx platform, allowing previously scheduled matters to proceed to hearing without delay.

The Bureau quickly mobilized to stay abreast of national and international developments in use of virtual hearings. Bureau ALJs participated in virtual discussions connecting colleagues across the globe to share how their courts were grappling with virtual hearings. An informal poll of judges nationwide conducted by the National Judicial College revealed that WebEx was the second most widely utilized technology to hold hearings virtually, with approximately 25% reporting its use.

While the Bureau offered some virtual hearings options to litigants prior to the pandemic using Cisco WebEx platform, some ALJs at other State agencies had not experienced virtual hearings. The Bureau therefore partnered with the State's Department of Innovation and Technology to bring Cisco WebEx tutorials to help remove the anxiety surrounding use of a new technology. The Bureau has also derived a survey of State administrative law judges and legal practitioners to compile practice tips and track ongoing challenges facing State ALs and litigants. The Bureau is preparing to continue offering use of virtual hearings technology after the current crises is behind us. Mindful of the importance of accessibility, the Bureau has also reached out to various community organizations to ensure virtual hearings are conducted so as to maximize accessibility to all participants.



#### RESEARCH AND SELECTION OF CASE MANAGEMENT SOLUTION

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Building on the work of the Bureau's pilot subcommittee to identify business and technical requirements for effective electronic case management, the Bureau, in tandem with CMS Legal Services Division, successfully negotiated a Statement of Work with an experienced vendor that serves specifically justice agencies, including several large central panel jurisdictions, allowing the Bureau to leverage decades of

customer experiences. The Bureau recently submitted its purchase order to procure the commercial-off-the-shelf product which can be easily configured to match the Bureau's business processes. Offering a comprehensive web-based platform for managing cases, the software is expected to provide the Bureau numerous operational efficiency and customer-service focused benefits, including:

- ▶ Highly configurable workflow designer tools combined with routine task automation capability;
- ▶ Web-based uploading of case documents and real-time case status view by litigants;
- ▶ All case statistics will be captured in a central comprehensive database as a single source of information, allowing the Bureau to cease manual collection of data in multiple locations;
- ▶ Wizards to lead staff through predefined steps, ensuring complete and accurate data input;
- ▶ Real-time reports and performance metrics that will help staff prioritize and proactively manage work;
- ▶ Centralized management of calendars and resources, and dashboards that will allow the Bureau to readily identify process bottlenecks and redirect staff resources.

In preparation, Bureau staff have worked diligently to document and make improvements to their critical workflows to expedite implementation of the system. These workflows are indispensable in ensuring that the Bureau's investment in electronic case management is maximized. In the coming months, the Bureau will form workgroups, including stakeholders, to drive implementation.

**WE LOOK FORWARD TO CELEBRATING IN FISCAL YEAR 2021:**

- ▶ **IMPLEMENTING ELECTRONIC CASE MANAGEMENT TECHNOLOGY, BUILDING EFFICIENT WORKFLOWS AND AUTOMATING ROUTINE TASKS**
- ▶ **TRAINING AGENCY USERS AND CUSTOMERS ON THE NEW SYSTEM AND PROVIDING HELPFUL TUTORIALS FOR LITIGANTS ON NEW E-FILING**
- ▶ **RELEASING VIRTUAL HEARINGS PRACTICE TIPS GATHERED FROM ALJS**



## CLOSING REMARKS

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### ► THE BUREAU LOOKS FORWARD TO WORKING TRANSPARENTLY WITH ALL STAKEHOLDERS TO DEVELOP THOUGHTFUL APPROACHES TO ADVANCING ADMINISTRATIVE JUSTICE ◀

Since its pilot inception in 2016, the Bureau has worked to understand the current state of administrative adjudication in Illinois, study best practices tested by other jurisdictions, identify improvements to offer Illinoisans quality service, and create a strategic plan for the future of administrative law in Illinois. Working collaboratively across executive branch agencies, the Bureau aims to reinvent the way in which the State provides adjudicative services.

In Fiscal Year 2020, the Bureau strengthened its commitment to advancing administrative justice through access to justice initiatives, enhanced adjudicator training opportunities, and laying the groundwork for implementation of modern case management technology to meet customer needs and further efficiencies. As we begin Fiscal Year 2021, the Bureau must continue to explore new and innovative ways to meet demand for administrative hearings services. It must continue to challenge any obstacles to due process and advocate for access to justice. And it must work collaboratively with all stakeholders to continue improvements to the administrative process. As a steward of public funds, we must continue to exercise cost-containment strategies and sound fiscal decisions to keep costs low while providing superior service.

In the coming year, collaboration will continue as the Bureau expands education and outreach opportunities, both at the local and national level, as well as solicit robust stakeholder feedback to inform continuous improvement. An Advisory Council will bring collective expertise to further drive meaningful initiatives, and increase the Bureau's capacity to tackle larger initiatives, including establishing uniform rules of procedure. The Bureau's continued partnership with the Commission will bring a Statewide toolkit to all employees to combat implicit bias, fostering a culture of diversity and inclusion that will benefit both employees and hearings participants alike. In addition to continuing its regular trainings in cultural competency and implicit bias, the Bureau will continue to work across executive branch agencies, exploring additional ways to eliminate barriers to administrative justice.

The Bureau's implementation of electronic case management software in Fiscal Year 2021 will offer litigants a convenient way to access information about their case, while increasing the Bureau's efficiency by automating tedious and heavily paper-based processes. The Bureau's training of experienced in-house attorneys to serve as reserve ALJs, will increase the Bureau's capacity to take on additional caseload in Fiscal Year 2021, allowing it to offer superior service, while keeping its costs to a minimum.

The Bureau looks forward to working with Governor JB Pritzker, Honorable Members of the General Assembly, customer agencies, litigants, and the public to make Fiscal Year 2021 one to be proud of.

**WARM REGARDS,  
THE ILLINOIS BUREAU OF ADMINISTRATIVE HEARINGS**



## CONTACT US

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**Meaningful reform happens when we act together.**

**The Bureau would love to hear your ideas for advancing administrative justice.**

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